

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COUNTY OF NEWPORT

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall, 343 Highland Road, on the 25th day of August 2008 A.D. at 7:00 p.m.

President Durfee opened the meeting with the Pledge of Allegiance to the Flag.

Roll Call:	Joanne M. Arruda	Louise Durfee
	Donald Bollin	Jay Edwards
	Paul E. Carroll	Brian A. Medeiros
	Hannibal F. Costa	

Town Administrator, James C. Goncalo
Town Solicitor, Andrew M. Teitz were also present.

Approval of Consent Agenda:

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Councilor Bollin at this time read the items on the Consent Agenda for approval.

Councilor Edwards requested the removal of item 3-a.

Council President Durfee requested the removal of item 1. a, b, c, d, e, f, g & h, Council Minutes from the Consent Agenda.

Councilor Carroll motioned to approve the rest of the Consent Agenda. Seconded by Councilor Medeiros the motion passed unanimously.

The Consent Agenda was as follows:

CONSENT AGENDA

Receipt of Minutes from Various Board and Commissions:

- A. 2. Receipt of Minutes from the Following Boards, Commissions
- | | |
|------------------------------|-------------------------------------|
| a. Cemetery Commission | c. School Committee (2) |
| b. Library Board of Trustees | d. Wastewater Management Commission |

- A. 4. Approval of Tax Assessor Abatements

- A. 5. Schedule Public Hearing on September 8th for Noise Variance for Country Day at Pardon Gray by Tiverton Land Trust on September 13th from 10 a.m. to 4 p.m.

CORRESPONDENCE

Received Resolution from Town of Charlestown Regarding Silver Star Banner Day

Councilor Edwards requested removal of this item for further discussion. Silver Star Banner Day even though not declared until May 1, 2009 was sent in early enough so that the Town could join in the Proclamation. Councilor Edwards and Councilor Durfee noted this was not to replace any other day commemorating veterans but in addition to them. Councilor Edwards motioned to adopt the Proclamation for Silver Star Banner Day May 1, 2009. Seconded by Councilor Medeiros the motion then passed unanimously.

Councilor Bollin then read the Proclamation Commemorating Constitution Week September 17-23.

PROCLAMATION COMMEMORATING CONSTITUTION WEEK

TOWN OF TIVERTON, RHODE ISLAND
TOWN COUNCIL
PROCLAMATION

WHEREAS, The Constitution of the United States of America, the guardian of our liberties, is a product of reflection and choice, embodying the principles of limited government in a Republic dedicated to rule by law, not by men; and

WHEREAS, It is of the greatest importance that all citizens fully understand the provisions and principles contained in the Constitution in order to support, preserve and defend it against all encroachment; and

WHEREAS, The two hundred nineteenth anniversary of the signing of the Constitution provides an historic opportunity for all Americans to realize the achievements of the Framers of the Constitution and the rights, privileges, and responsibilities it affords; and

WHEREAS, The independence guaranteed to American Citizens, whether by birth or naturalization, should be celebrated by appropriate ceremonies and activities during "Constitution Week", September 17th through 23rd,

THEREFORE, We, the Tiverton Town Council do hereby proclaim the week of September 17th through 23rd as

"CONSTITUTION WEEK" in the Town of Tiverton and urge all of our citizens to reflect during that week on the many benefits of our Federal Constitution and American citizenship,

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town of Tiverton to be affixed this 25th day of August in the year of our Lord two thousand and eight.

BY ORDER OF THE TIVERTON TOWN COUNCIL: Nancy L. Mello, Town Clerk
Councilor Medeiros motioned to adopt the Proclamation Commemorating Constitution Week September 17-23. Seconded by Councilor Edwards the motion passed unanimously.

Approval of Minutes of Previous Meetings.

Town Solicitor Teitz did not have enough time to review minutes and requested continue all the Council Minutes to the next meeting. Councilor Medeiros motioned to continue approval of the following Council Minutes from the Consent Agenda to next meeting:

- a. Approval of Regular Council Meeting Minutes August 12, 2008
- b. Approval of Executive Session Minutes August 12, 2008
- c. Approval Emergency Special Council Meeting August 6, 2008 (Councilor Costa abstained not present at meeting)
- d. Approval Emergency Special Council Meeting August 4, 2008
- e. Approval of Regular Council Meeting Minutes July 28, 2008 (Councilor Carroll abstained, not present at meeting)
- f. Approval of Special Council Meeting Minutes July 7, 2008 (Recessed from 6/30/08)
- g. Approval of Special Council Meeting Executive Session Minutes July 7, 2008
- h. Approval of Special Council Meeting Minutes June 30, 2008 (Recessed to 7/7/08)

Councilor Arruda seconded the motion, which then passed unanimously.

PUBLIC HEARINGS- ADVERTISED

The Town Council was sitting as the Board of Licensing Commissioners:

BOARD OF LICENSING COMMISSIONERS AND PUBLIC HEARINGS:

**Robert Thibault d/b/a B&L Investments; King's Seafood and Pizza – Request Approval of Victualling License
Subject to Meeting All Legal Requirements**

Councilor Carroll motioned to approve, subject to meeting all legal requirements, a Victualling License to Robert Thibault, d/b/a B & L Investments; King's Seafood and Pizza. Councilor Medeiros questioned the letter from Tiverton Fire Prevention regarding items not being in compliance. Chief Robert Lloyd said the business was recently inspected and have taken care of the majority issues before them and recommended issuing the Victualling license. Seconded by Councilor Costa the motion passed unanimously.

APPOINTMENTS & RESIGNATIONS

Town Administrator – Resignation of John Raposa from Tiverton Planning Board

Councilor Costa motioned to accept, with regret, the resignation of John Raposa from the Tiverton Planning Board. Seconded by Councilor Edwards the motion then passed unanimously.

Appointments to Various Boards and Commissions

Council President Durfee requested the continuance of the Planning Board Administrative Officer to the next Council Meeting. Councilor Edwards motioned to continue, seconded by Councilor Medeiros the motion passed unanimously.

Zoning Board of Review

Councilor Edwards motioned to appoint Michael Mello as a 2nd Alternate to the Zoning Board of Review for a one-year term expiring 6/30/2009. Seconded by Councilors Carroll the motion passed unanimously.

Personnel Board

Councilor Carroll motioned to reappoint Richard D. Hart to the Personnel Board for a four-year term expiring 6/30/2012. Seconded by Councilor Edwards the motion passed unanimously.

Councilor Edwards motioned to reappoint Karl B. Malafey for a four-year term expiring on 6/30/2012. Seconded by Councilor Arruda the motion passed 6-1, Councilor Carroll opposed.

Planning Board

Councilor Costa motioned to reappoint Peter W. Corr and Cynthia A. Nebergall to a two-year term expiring 6/30/2010. Councilor Bollin seconded the motion. The motion failed on 3-4 vote, Councilors Durfee, Carroll, Arruda and Edwards opposed.

Councilor Carroll motioned to appoint Peter M. Moniz to the Planning Board for a three-year term expiring 6/30/2011. Seconded by Councilor Arruda the motion passed unanimously.

Councilor Carroll motioned to reappoint Peter W. Corr to the Planning Board for a two-year term expiring 6/30/2010. Seconded by Councilor Medeiros the motion passed unanimously.

For the record Councilor Carroll noted he had previously voted in the affirmative or the majority for Cynthia Nebergall and Peter Corr in the first motion.

Stone Bridge Committee

Councilor Bollin motioned to appoint "Chee" Aphrodite Laureanno to the Stone Bridge Committee as a member of the public for a three-year term expiring 6/30/2011. Councilor Costa questioned the applicant's address. A business address was listed on the application. Seconded by Councilor Carroll the motion passed on a vote of 6-0-1, Councilor Costa abstained.

UNFINISHED BUSINESS

FINANCIAL BUSINESS:

NEW BUSINESS:

Councilor Medeiros – Discussion of Voter Guide to Proposed Charter Amendments For November Election Ballot

Councilor Medeiros discussed the feasibility of a Voter Guide Booklet for the Charter Amendment Questions, something that has been done in the past. Just a simple explanation of the questions is all that's necessary, maybe get the information out to the Town website. Direct mailing given the cost factor may not be feasible. The Town Clerk was going to check on the cost from the previous mailing. The information needs to be available by the middle of October. In the past the Charter Review Commission took care of the matter. However the Charter Review Commission has ended so Councilor Medeiros volunteered to take charge of this matter.

Councilor Medeiros motioned for a continuance to the next meeting. Seconded by Councilor Edwards the motion passed unanimously.

Stuart B. Hardy, 162 Colonial Avenue – Creating of Historic Preservation Advisory Board

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Stuart B. Hardy requested the creation of a Historic Preservation Advisory Board consistent with the updated Comprehensive Plan of 2006. This board would be voluntary, serve as an educational resource, not to impose legally binding restrictions, facilitate Statewide programs and is necessary for the Town to be eligible for State and National grants. Language is based on the Comp Plan. A public hearing is requested to on the proposed ordinance language. Same language adopted by the Charter Review Commission and has been approved by the Open Space Commission in their minutes.

Councilor Bollin motioned to move this to a Public Hearing. The motion was seconded by Councilor Arruda and passed on a vote of 5-2, Councilors Costa and Carroll opposed. The Public Hearing was scheduled for October 14, 2008.

Town Administrator – Request Permission to Purchase Tasers from Sole Source – Taser International in Amount of Approximately \$30,000 Utilizing Drug Forfeiture Monies

Town Administrator James Goncalo requested the Council to approve the purchase of Tasers from Sole Source – Taser International. Councilor Arruda, seconded by Councilor Carroll motioned to approve the purchase of tasers using drug forfeiture monies. Discussion followed from Councilor Bollin regarding liability for the Town, outcome of the use of a taser, not sure if the Town needed this item, raised concerns. Chief Blakey stated the tasers are used nationwide in order to avoid the use of lethal force, to reduce injuries to police officers and use state protocols. Copies were reviewed by the Town's insurer, The Rhode Island Interlocal Risk Management Trust and found to be compliant with Trust guidelines. Assistant Town Solicitor Jeannie Scott also reviewed the departmental policy

Councilor Costa questioned if any officers have been previously injured using normal methods and if someone were tasered and fell to the ground, wouldn't an injury occur. Councilor Arruda stated the taser should be used as a deterrent. Chief Blakey agreed and that a taser would be a last resort. Any usage of a taser would be documented on a computer as the information is downloaded, can tell length and strength of use. Councilor Medeiros asked if all officers would receive a taser and if there would be any monies left after the purchase. Chief Blakey stated some \$30,000 would still be in that account. Larger police departments issue tasers by shift.

Councilor Costa questioned the certification of officers using Tasers. Chief Blakey said this is a tool used to reduce physical contact. Councilor Bollin asked how many times reasonable force was used and what was the outcome. Chief replied 3 were substantial, couldn't recall injuries to any officers, one perpetrator may have been injured. Councilor Carroll stated the taser were preventative and Councilor Arruda felt the officers needed to be prepared patrolling in a border community. Councilor Costa requested more time to review the packet.

Councilor Edwards motioned to continue this item to the next Council Meeting. Seconded by Councilor Medeiros the motion passed unanimously.

Town Administrator – Request Solicitor Draft Ordinance Establishing a Local Building Code board of Appeals

Councilor Edwards asked why a Building Code Board of Appeals was needed. Code Enforcement Officer Gareth Eames stated in accordance with the RI State Building Code, each town should have a Building Code Board of Appeal. Can be done by appointment by the Town Council, as part of the Zoning Board of Review duties of by default; RI State Building Code Standards Committee. Prefer to have the Board here, saves the Town money on travel fees and on representation. Deals with technical questions, has to consist of one architect, two professional engineers, builder and citizen with no residency requirements.

Mr. Eames stated that the Board would meet only as necessary, there has been one appeal in the last 3 years Town Solicitor Teitz supported the process, sees this as a fairly simple solution, makes it easier, recommends formation of this local Board. Need to do something other than the State Board, does not think a Charter Amendment was needed, laws already provide.

Councilor Bollin motioned to create by ordinance a Building Code Board of Appeals. Seconded by Councilor Arruda the motion passed on a vote of 6-1, Councilor Edwards opposed.

Councilor Bollin motioned to hold the Public Hearing on October 14, 2008. Seconded by Councilor Medeiros, the motion passed unanimously.

BIDS & REQUESTS FOR PROPOSALS

Town Administrator – DPW Director – Request Permission to Award Contract to Low Bidder for #2 Fuel Oil Brennan Oil of North Providence for 2008-09 FY

Councilor Edwards motioned to award a contract to the low bidder for #2 fuel oil to Brennan Oil of North Providence for FY 2008-09. The contract had a low fixed rate bid of \$3.45 per gallon. Seconded by Councilor Medeiros the motion passed unanimously.

TOWN ADMINISTRATOR ANNOUNCEMENTS, COMMENTS AND QUESTIONS

1. The 34-year-old air conditioner at the Police Station was replaced with a more efficient unit and has applied for energy credits. Drug forfeiture monies were used for purchase.
2. Applications are now being accepted for Police Officers and Police/Fire Dispatchers
3. Test borings in the moratorium area, street basins being repaired
4. Congratulations to Paul Bell who is now certified in animal control.
5. No. Tiverton sewer rate lowered to \$3.94/per 100cu ft, savings passed along to the user.
6. Went to the Johnston landfill. Town sent 1700 tons of recyclables and received \$43,581 from Resource Recovery. Goal is to recycle more.
7. Building Permit from Bourne Mill \$66,000
8. Some difficulties with offices and closures at the Town Hall, looking at closing all offices from 12:30-1:30 for lunches

PUBLIC ANNOUNCEMENTS:

COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Council President Durfee stated a goal should be set for recyclables, the \$43,000 is huge for the Town and that is at 25%. Councilor Edwards stated the Landfill Subcommittee was looking at options for recyclables as these material have value. Looking at the landfill license fee as well.

Councilor Arruda along with Councilor Carroll and Sally Black attended Community Service Day at Ranger School. Wanted to commend and recognize Peter Moniz for the curb appeal and mulch spreading at the school. Students from Roger Williams University donated their time, Tiger Landscaping planted trees pro bono. Thanked everyone for their efforts.

TOWN SOLICITOR, ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Handled in Executive Session last meeting, then made public, the Town has been purchasing Open Space, had a no interest loan with DEM to be paid from Nature Conservancy with grant from RIDOT. Grant has not come through RIDOT at of this time, made a zero interest loan with Nature Conservancy to make payment due with DEM for \$62,500..

CLOSED EXECUTIVE SESSION

Councilor Bollin made a motion to enter into Executive Session pursuant to 42-46-5(a)(2) – Litigation. Councilor Medeiros seconded the motion, which then passed unanimously.

Councilor Bollin then made a motion to remain in Executive Session pursuant to 42-46-5(a)(5) – Possible Acquisition or Disposition of Town Held Property. Councilor Medeiros seconded the motion, which then passed unanimously.

Councilor Bollin then made a motion to further remain in Executive Session pursuant to 42-46-5(a)(2) - Collective Bargaining. Councilor Medeiros seconded the motion, which then passed unanimously.

The Council entered into Executive Session at approximately 8:20 p.m.

The Council returned to Open Session at approximately 9:20 p.m.

OPEN SESSION:

Council President Durfee announced no formal action had been taken in Executive Session. Councilor Edwards motioned to seal the minutes of Executive Session, seconded by Councilor Medeiros. Passed unanimously.

ADJOURNMENT:

Councilor Medeiros motioned to adjourn, seconded by Councilor Costa. Motion passed unanimously. Meeting adjourned at approximately 9:25 p.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk